

**City of Bloomington
Common Council
Legislative Packet**

**Wednesday, 17 October 2018
Regular Session**

All legislation and background material are included herein.

The Council will hold an Internal Work Session
Friday, 19 October 2018 at Noon in the Council Library.

For a schedule of upcoming meetings of the Council and the City's boards and commissions, please consult the City's [Calendar](#).

Office of the Common Council
P.O. Box 100
401 North Morton Street
Bloomington, Indiana 47402
812.349.3409
council@bloomington.in.gov
<http://www.bloomington.in.gov/council>



Packet-Related Material for
Regular Session – 17 October 2018

Memo from Council Office

Agenda

Notices – None – *Reminder: Internal Work Session on Friday, October 19th at noon*

Minutes – *for approval on October 17th:*

- 26 September 2018 (Special Session)

Legislation for Consideration under Second Readings and Resolutions
(materials to be found in this Council Legislative Packet)

- **Res 18-20** To Approve an Interlocal Cooperation Agreement Between the City of Bloomington and Monroe County, Indiana in Regards to the 2018 Edward Byrne Memorial Justice Assistance Grant (JAG)
 - Interlocal Cooperation Agreement Re: 2018 JAG Funds;
 - Memo to Council from Mike Rouker, City Attorney.

Contact: Mike Rouker, City Attorney, 812.349.3426, roukerm@bloomington.in.gov

Legislation for Introduction under First Reading - None

Memo

**One Resolution Ready for Consideration under Second Readings and Resolutions
and No Ordinances Ready for Introduction under First Readings
at the Regular Session next Wednesday, 17 October 2018.**

The Council is scheduled to hold a Regular Session on Wednesday, October 17th. There is one resolution ready for consideration under Second Readings and Resolutions, but no ordinances ready for introduction under First Readings. The resolution, summary and related materials are part of this packet.

**Motion Needed under Council Schedule – Re: Timing of Land Use Committee
and Committee of the Whole on Wednesday, October 24th**

Please note that two meetings are scheduled for the following week (Wednesday, October 24th): a Land Use Committee, which will continue deliberation of Ord 18-14 (Century Village PUD) and a Committee of the Whole to consider resolutions authorizing the issuance of:

- ~ \$20 million in bonds by the Redevelopment Commission to replace the Fourth Street Garage and construct a parking garage in the Trades District; and
- ~\$8 million in “Bicentennial” bonds for the purpose of “trees and trails.”

Next week, under Council Schedule, the Council should establish the time these meetings will be held on the following week.

First Readings

None

Second Readings and Resolutions

Item One - Res 18-20 – Approving an Interlocal Cooperation Agreement with the County Regarding Use of 2018 Edward Byrne Memorial Justice Assistance Grant (JAG) Funds

Res 18-20 authorizes the execution of an Interlocal Cooperation Agreement with Monroe County regarding the disbursal of Edward Byrne Memorial Justice Assistance Grant (JAG) funds for 2018. The JAG grant is a federal grant program intended to allow local communities to target their crime-fighting needs with greater specificity. Intended to be flexible, JAG funds are to be used for the following:

- (A) Law Enforcement
- (B) Prosecution and Courts
- (C) Crime Prevention and Education
- (D) Corrections and Community Corrections
- (E) Drug Treatment and Enforcement
- (F) Planning, Evaluation, and Technology Improvement
- (G) Crime Victim and Witness Programs (Other Than Compensation)
- (H) Mental health programs and related law enforcement and corrections programs, including behavioral programs and crisis intervention teams.

34 U.S.C.A. § 10152

This year, JAG funds dedicated to the Bloomington Police Department (BPD) and the Monroe County Sheriff’s Office (Sheriff) amount to \$30,352, collectively. According to the supporting Memo submitted by City Attorney Mike Rouker, JAG funds are allocated proportionately to each law enforcement entity based on violent crime statistics reported to the FBI through the Uniform Crime Report over a recent three-year period. Based on this formula, the City will receive 80% (\$24,281.00) and the County 20% (\$6,071).

2018 Funds

This year, BPD will use its portion to purchase cameras for police vehicles and the County will use its portion to acquire intervention devices for vehicle pursuits (which it sought last year as well).

BPD JAG Funds: Further Details

BPD will use its entire allocation towards purchase of vehicle-mounted video recording equipment for marked police vehicles. According to the memo from City Attorney Rouker, “While the Police Department currently uses many vehicle mounted recording devices, many of these devices have aged and are in need of replacement.”

General Terms of the Agreement

As a precondition to an award, the City and the County must enter into an agreement which is attached to the resolution. In brief, the agreement:

- “reflects the commitments and understandings ... of the governmental entities in order to efficiently and effectively utilize proceeds” from the award;
- allocates the grant between the two entities to be used as stated above;
- makes each party solely responsible for their own actions in furnishing services under this agreement;
- requires each party to communicate and cooperate with each other and to make good-faith efforts to obtain all necessary funds and otherwise comply with the Agreement;
- conditions performance of the duties under the Agreement on the receipt of sufficient JAG funds; and,
- is to be narrowly construed in regard to the obligations of the parties and does not create rights for persons who have not signed it.

Since at least 2009, the City and County have cooperatively pursued JAG funds. Locally, these grants have helped acquire items such as: automated external defibrillators, body cameras, an NC4 *Street Smart* computer program, eDesk kiosks, a telephone system, digital interviewing equipment, in-car cameras, security cameras in the downtown, vehicle locator equipment and software, tire deflation devices for vehicle pursuits, and special vehicles.¹

¹ In 2013 and 2014, funds initially allocated for polygraph equipment and training (in 2011) and a secure server (in 2012) were reallocated for one of the above purposes.

**NOTICE AND AGENDA
BLOOMINGTON COMMON COUNCIL REGULAR SESSION
6:30 P.M., WEDNESDAY, 17 OCTOBER 2018
COUNCIL CHAMBERS
SHOWERS BUILDING, 401 N. MORTON ST.**

I. ROLL CALL

II. AGENDA SUMMATION

III. APPROVAL OF MINUTES FOR: 26 September 2018 – Special Session

IV. REPORTS (A maximum of twenty minutes is set aside for each part of this section.)

- 1. Councilmembers**
- 2. The Mayor and City Offices**
- 3. Council Committees**
- 4. Public***

V. APPOINTMENTS TO BOARDS AND COMMISSIONS

VI. LEGISLATION FOR SECOND READING AND RESOLUTIONS

1. Resolution 18-20 – To Approve an Interlocal Cooperation Agreement between the City of Bloomington and Monroe County, Indiana in Regards to the 2018 Edward Byrne Memorial Justice Assistance Grant (JAG)

Committee Recommendation None

VII. LEGISLATION FOR FIRST READING

None

VIII. ADDITIONAL PUBLIC COMMENT* (A maximum of twenty-five minutes is set aside for this section.)

IX. COUNCIL SCHEDULE

X. ADJOURNMENT

* Members of the public may speak on matters of community concern not listed on the agenda at one of the two public comment opportunities. Citizens may speak at one of these periods, but not both. Speakers are allowed five minutes; this time allotment may be reduced by the presiding officer if numerous people wish to speak.

Auxiliary aids are available upon request with adequate notice. Please call (812) 349 - 3409 or e-mail council@bloomington.in.gov.

RESOLUTION 18-20

**TO APPROVE AN INTERLOCAL COOPERATION AGREEMENT
BETWEEN THE CITY OF BLOOMINGTON AND
MONROE COUNTY, INDIANA
IN REGARDS TO THE 2018 EDWARD BYRNE MEMORIAL
JUSTICE ASSISTANCE GRANT (JAG)**

WHEREAS, the City of Bloomington and Monroe County are authorized by I.C. 36-1-7-1, *et seq.*, to enter into agreements for the joint exercise of their powers for the provision of services to the public; and

WHEREAS, this Interlocal Cooperation Agreement reflects the commitments and understandings agreed to by the governmental entities in order to efficiently and effectively utilize proceeds received from the 2018 Edward Byrne Memorial Justice Assistance Grant (JAG);

NOW, THEREFORE BE IT HEREBY RESOLVED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION 1. The Interlocal Cooperation Agreement between the City of Bloomington and Monroe County, Indiana in regards to the 2018 Edward Byrne Memorial Justice Assistance Grant, a copy of which is attached hereto and made a part hereof, is hereby approved.

SECTION 2. If any sections, sentences or provisions of this resolution, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

SECTION 3. This resolution shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and approval of the Mayor.

PASSED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2018.

DOROTHY GRANGER, President
Bloomington Common Council

ATTEST:

NICOLE BOLDEN, Clerk
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this _____ day of _____, 2018.

NICOLE BOLDEN, Clerk
City of Bloomington

SIGNED and APPROVED by me upon this _____ day of _____, 2018

JOHN HAMILTON, Mayor
City of Bloomington

SYNOPSIS

This resolution approves the interlocal agreement between the City and the County for 2018 JAG funds. JAG funds are divided between the City and the County based on violent crime statistics reported to the FBI through the Uniform Crime Report. A three year review of violent crime statistics shows that the City is entitled to 80% of the grant funds, and the County is entitled to the remaining 20%. The overall JAG award for 2018 is \$30,352. The City shall receive \$24,281 and the County will receive \$6,071. The City shall use all of its award towards the purchase of vehicle-mounted recording equipment. The County shall use all of its award towards the purchase of additional vehicle pursuit intervention devices.

INTERLOCAL COOPERATION AGREEMENT
BETWEEN
THE CITY OF BLOOMINGTON AND
MONROE COUNTY, INDIANA
IN REGARDS TO 2018 EDWARD BYRNE MEMORIAL
JUSTICE ASSISTANCE GRANT (JAG)

- WHEREAS, Indiana Code § 36-1-7-1 *et seq.* permits governmental entities to jointly exercise powers through Interlocal Cooperation Agreements; and
- WHEREAS, each governmental entity, in performing their governmental functions or in paying for the performance of governmental functions hereunder, shall make that performance or those payments from current revenues legally available to that party; and
- WHEREAS, each governmental entity finds that the performance of this Interlocal Cooperation Agreement is in the best interests of both entities, that the undertaking will benefit the public, and that the division of costs fairly compensates the performing party for the services or functions under this Interlocal Cooperation Agreement; and
- WHEREAS, this Interlocal Cooperation Agreement reflects the commitments and understandings agreed to by the governmental entities in order to efficiently and effectively utilize proceeds received from the 2018 Edward Byrne Memorial Justice Assistance Grant (JAG); and
- WHEREAS, the funds from the JAG are to be divided between the two governmental entities based on violent crime statistics reported to the Federal Bureau of Investigation through the Uniform Crime Reports; and
- WHEREAS, a three (3) year review of the violent crime statistics for both governmental agencies indicates that the Bloomington Police Department is to receive eighty percent (80%) of the total JAG funds and that the Monroe County Sheriff's Department is to receive the remaining twenty percent (20%) of the JAG funds;

NOW, THEREFORE, City of Bloomington and Monroe County, Indiana, hereby agree as follows:

Section 1. Payment

The City shall receipt in all of the \$30,352.00 associated with the 2018 JAG and thereafter disburse \$6,071 (20% of the total JAG funds) to the Monroe County Sheriff's Department, while retaining \$24,281.00 for use by the City of Bloomington Police Department.

Section 2. Use of Funds

The City shall use all of the \$24,281.00 it is allocated from the JAG funds towards the purchase of vehicle mounted digital video cameras.

The County shall use all of the \$6,071.00 it is allocated from the JAG funds towards the purchase of (vehicle) pursuit intervention devices.

Section 3. Liability

Nothing in the performance of this Interlocal Cooperation Agreement (hereinafter, "Agreement") shall impose any liability for claims against either governmental entity other than claims for which liability may be imposed by the Indiana Tort Claims Act.

Section 4. Responsibility

Each entity to this Agreement shall be responsible for its own actions in providing services under this Agreement and shall not be liable for any civil liability that may arise from the furnishing of the services by the other party.

Section 5. Commitment

The entities shall communicate and cooperate with one another to ensure that the purposes of this Agreement are achieved on behalf of and to the benefit of the publics they serve.

Section 6. Third Parties

The entities to this Agreement do not intend for any third party to obtain a right by virtue of this Agreement.

Section 7. Intent

By entering into this Agreement, the entities do not intend to create any obligations, express or implied, other than those set out herein. Further, this Agreement shall not create any rights in any party not a signatory hereto.

Section 8. Severability

If any provision of this Agreement is declared, by a court of competent jurisdiction, to be invalid, null, void or unenforceable, the remaining provisions shall not be affected and shall have full force and effect.

Section 9. Appropriation of Funds

The entities acknowledge and agree that the performance of this Agreement is subject to the appropriation of sufficient funds by JAG. The parties agree to make a good faith effort to obtain all necessary appropriations and to comply with all provisions of this Agreement to the extent feasible under current or future appropriations.

Approved this _____ day of _____, 2018, by the Monroe County, Indiana Commissioners:

MONROE COUNTY, INDIANA

ATTEST:

Amanda Barge, President
Monroe County Commissioners

Catherine Smith, Auditor

Patrick Stoffers, Vice President
Monroe County Commissioners

Julie Thomas, Commissioner
Monroe County Commissioners

Approved this _____ day of _____, 2018, by the City of Bloomington
Common Council.

Dorothy Granger, President
Bloomington Common Council

ATTEST:

NICOLE BOLDEN, Clerk

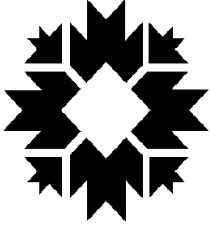
Approved this _____ day of _____, 2018, by the City of Bloomington.

CITY OF BLOOMINGTON, INDIANA

ATTEST:

JOHN HAMILTON, Mayor

NICOLE BOLDEN, Clerk



**CITY OF BLOOMINGTON
LEGAL DEPARTMENT
MEMORANDUM**

TO: City of Bloomington Common Council
FROM: Michael Rouker, City Attorney
RE: 2018 Justice Assistance Grant Interlocal Agreement
DATE: October 11, 2018

MEMORANDUM

34 U.S.C. §10152 authorizes the Edward Byrne Memorial Justice Assistance Grant Program (“Program”). This Program allocates grant funds to a variety of law enforcement agencies across the country. Communities that receive an award from the Program may generally use the funds allocated to them for things such as: technical assistance; training; equipment; supplies; contractual support; and information systems.

The Bloomington Police Department and the Monroe County Sheriff (“Sheriff”) are jointly allocated one award each year. As the award is jointly given to both the Department and the Sheriff, Program guidelines direct the Department and Sheriff to enter into an interlocal agreement to document the allocation of the funds.

In order to calculate the division, the Department and the Sheriff conduct a three year review of violent crime statistics for both agencies and determine their percentages of the overall statistics. For calendar year 2018, the three year analysis by the agencies results in the Department receiving 80% percent of the total award and the Sheriff receiving 20% percent of the award.

For 2018, the City and County have been awarded \$30,352.00. This City’s share is \$24,281.00, and the Sheriff will receive \$6,071.00. The award is received by the City, and then distributed in accordance with the division outlined above. Bloomington will be using its share to

procure vehicle mounted video recording equipment for marked police vehicles. While the Police Department currently uses many vehicle mounted recording devices, many of these devices have aged and are in need of replacement. The Sheriff intends to use its share of the grant to procure vehicle pursuit intervention devices.

In the Council Chambers of the Showers City Hall, Bloomington, Indiana on Wednesday, September 26, 2018 at 6:32pm with Council President Dorothy Granger presiding over a Special Session of the Common Council.

COMMON COUNCIL
SPECIAL SESSION
September 26, 2018

Roll Call: Ruff, Sturbaum, Chopra, Piedmont-Smith, Granger, Volan, Sandberg, Sims, Rollo
Members Absent: None

ROLL CALL [6:32pm]

Council President Dorothy Granger gave a summary of the agenda.

AGENDA SUMMATION [6:33pm]

There were no minutes for approval.

APPROVAL OF MINUTES

Granger invited Mayor John Hamilton to the podium to speak about the budget ordinances.

REPORTS

- The MAYOR AND CITY OFFICES [6:34pm]

Hamilton greeted the Council and thanked members of the public for participating in the budget process. Hamilton stressed the importance of the budget. He shared the most current updates and main highlights of the 2019 Budget.

Councilmember Steve Volan moved and it was seconded to suspend the rules of the council schedule from the end of the meeting to the beginning. Volan called for a voice vote. The motion was approved by voice vote.

COUNCIL SCHEDULE [7:16pm]

Volan moved and it was seconded to cancel the Committee of the Whole meeting scheduled for October 3rd. The motion was approved by voice vote.

Councilmember Jim Sims presented a Conflict of Interest Disclosure Statement. He explained that he was married to Doris Sims, Director of the Housing and Neighborhood Department, and the Council would be voting on legislation that would affect her salary and departmental budget.

Piedmont-Smith moved and it was seconded to accept the Conflict of Interest Disclosure by Sims. The motion received a roll call vote of Ayes: 8, Nays: 0, Abstain: 1 (Sims).

Vote to accept conflict of interest form [6:47pm]

Sims made an announcement of financial interest as required under local code. He said that he did not anticipate that his wife's salary would be treated any differently than the other department head salaries. He stated that he would not excuse himself from voting on the full budget because he believed he would be able to participate fairly, objectively, and in the public interest.

Volan moved and it was seconded that Resolution 18-17 be introduced and read by title and synopsis only. The motion was

LEGISLATION FOR SECOND
READING AND RESOLUTIONS

approved by voice vote. City Clerk Nicole Bolden read the legislation by title and synopsis.

[7:02pm]

Volan moved and it was seconded that Resolution 18-17 be adopted.

Resolution 18-17 To Approve The Interlocal Agreement Between Monroe County, The Town Of Ellettsville And The City Of Bloomington For Animal Shelter Operation For The Year 2019

Virgil Sauder, Director of Animal Care Control, presented the legislation to the Council. He said the formula used to calculate funding had not changed in the last ten years. He said he was available to answer any questions on the resolution.

Councilmember Allison Chopra asked if the equation was a one-to-one payment for the City of Bloomington and the Town of Ellettsville.

Council Questions:

Sauder said the percentage was based on the care of the animals in the shelter and did not include costs for animal control functions for the city or volunteer functions.

Chopra asked if the expenditures per animal were the same for both entities.

Sauder said that it was.

Chopra asked if Sauder thought it was a fair apportionment for the city.

Sauder agreed that it was.

Volan asked if over half the operations for animal control serviced animals from outside of the city.

Sauder said that was correct, and the number fluctuated between 42-54%.

Councilmember Isabel Piedmont-Smith asked about the number of animals from Lawrence County and if there was funding available from that jurisdiction for the servicing of animals from that area.

Sauder said Lawrence County had a closed-door shelter, which meant that when it was full they did not take more animals. He said that there was a surrender fee of twenty dollars per animal if the animal was brought to the Bloomington Shelter from outside of Monroe County.

Councilmember Dave Rollo asked if the surrender fee discouraged people from bringing animals to the shelter.

Sauder said it did not.

There was no public comment.

Public Comment:

Volan said it was a standard agreement that was signed every year but that it was good to check in with Animal Control. He said he was happy to approve the agreement.

Council Comment:

Piedmont-Smith thanked Sauder and everyone who worked and volunteered at the animal shelter. She was happy to vote yes.

The motion to adopt Resolution 18-17 received a roll call vote of Ayes: 9, Nays: 0, Abstain: 0.

Vote to adopt Resolution 18-17
[6:58pm]

Volan moved and it was seconded that Resolution 18-16 be introduced and read by title and synopsis only. The motion was

Resolution 18-16 Resolution Proposing an Ordinance

approved by voice vote. Bolden read the legislation by title and synopsis.

Modifying Local Income Tax Allocations in Monroe County and Casting Fifty-Eight Votes in Favor of the Ordinance

Volan moved and it was seconded that Resolution 18-16 be adopted.

Council Attorney Dan Sherman presented Resolution 18-16 to the Council. He said it proposed an ordinance for the adoption by the Monroe County Local Income Tax Council. He said the legislation would cast all fifty-eight votes that the City possessed in favor of the ordinance. The ordinance would reallocate the tax rate between two components of the Public Safety Local Income Tax (PS-LIT) without changing any other rates and without net increases. He noted that the public comment portion of the legislation that evening constituted the public hearing required by law.

There were no Council questions.

Council Questions:

There was no public comment.

Public Comment:

Volan thanked the PS-LIT Committee and the members who spent their summer working on how the tax revenue should be distributed. He was grateful that the tax existed and that it helped fund the 9-11 dispatch center. He supported the resolution.

Council Comment:

Councilmember Susan Sandberg noted that the process was onerous and that she welcomed any improvements to the criteria for allocations. She stated that overall it had been a good process and she was happy to support the resolution.

Sims said that compromises were made in order to provide a greater good for the public and there would be more discussions in the future. He was glad to be a part of the PS-LIT committee and thanked the Dispatch Policy Board for its flexibility in working with the committee.

Granger said that she had been working with County Council President Shelli Yoder to think about ways to improve the process. She recommended that the Council wait to hear the results of the SPEA Capstone Project on township fire services.

Piedmont-Smith agreed with the comments in support of the SPEA Capstone Project. She noted that the needs of the townships, county, and city were all different. She thanked her colleagues that served on the committee and said she would vote in favor of the legislation.

Volan reiterated that the state required the Council to go over the public safety local income tax during its normal recess in the summer. He encouraged the Council to think about changing the time of the summer recess to allow councilmembers to have a break during the summer.

The motion to adopt Resolution 18-16 received a roll call vote of Ayes: 9, Nays:0, Abstain: 0.

Vote to adopt Resolution 18-16 [7:13pm]

LEGISLATION FOR FIRST READING

Volan moved and it was seconded that Appropriation Ordinance 18-03 be introduced and read by title and synopsis only. The motion was approved by voice vote. Bolden read the legislation by title, there was no synopsis.

Appropriation Ordinance 18-03
An Ordinance for Appropriations and Tax Rates (Establishing 2019 Civil City Budget for the City of Bloomington)

Volan moved and it was seconded that Appropriation Ordinance 18-04 be introduced and read by title and synopsis only. The motion was approved by voice vote. City Clerk Nicole Bolden read the legislation by title and synopsis.

Appropriation Ordinance 18-04
An Ordinance Adopting a Budget for the Operation, Maintenance, Debt Service and Capital Improvements for the Water and Wastewater Utility Departments of the City of Bloomington, Indiana for the Year 2019

Volan moved and it was seconded that Appropriation Ordinance 18-05 be introduced and read by title and synopsis only. The motion was approved by voice vote. Bolden read the legislation by title, there was no synopsis.

Appropriation Ordinance 18-05
Appropriations and Tax Rates for Bloomington Transportation Corporation for 2019

Volan moved and it was seconded that Ordinance 18-17 be introduced and read by title and synopsis only. The motion was approved by voice vote. Bolden read the legislation by title and synopsis.

Ordinance 18-17 An Ordinance Fixing the Salaries of Officers of the Police and Fire Departments for the City of Bloomington, Indiana for the Year 2019

Volan moved and it was seconded that Ordinance 18-18 be introduced and read by title and synopsis only. The motion was approved by voice vote. Bolden read the legislation by title and synopsis.

Ordinance 18-18 An Ordinance Fixing the Salaries of Appointed Officers, Non-Union and A.F.S.C.M.E. Employees for All the Departments of the City of Bloomington, Monroe County, Indiana, for the Year 2019

Volan moved and it was seconded that Ordinance 18-19 be introduced and read by title and synopsis only. The motion was approved by voice vote. Bolden read the legislation by title and synopsis.

Ordinance 18-19 To Fix the Salaries of All Elected City Officials for the City of Bloomington for the Year 2019.

The meeting was adjourned at 7:17pm.

ADJOURNMENT

APPROVED by the Common Council of the City of Bloomington, Monroe County, Indiana upon this ____ day of _____, 2018.

APPROVE:

ATTEST:

Dorothy Granger, PRESIDENT
Bloomington Common Council

Nicole Bolden, CLERK
City of Bloomington